

PATERSON GREAT FALLS NATIONAL HISTORICAL PARK
ACT OF 2007

AUGUST 4, 2007.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 189]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 189) to establish the Paterson Great Falls National Park in the State of New Jersey, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Paterson Great Falls National Historical Park Act of 2007”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Great Falls Historic District in Paterson, New Jersey, is the site that Alexander Hamilton selected to implement his vision of American economic independence and transform a rural agrarian society based on slavery into a global economy based on freedom.

(2) The Great Falls Historic District was designated as a National Historic Landmark in 1976 and President Gerald Ford declared it “a symbol of the industrial might which helps to make America the most powerful nation in the world”.

(3) Section 510 of Public Law 104–333 established the Great Falls Historic District to recognize the contribution to our national heritage of certain historical, cultural, and natural resources of the historic district.

(4) Exceptional natural and cultural resources make the Great Falls Historic District America’s only National Historic District that contains both a National Historic Landmark and a National Natural Landmark.

(5) Pierre L’Enfant’s water power system at the Great Falls and the buildings erected around it over two centuries constitute the finest and most extensive

remaining example of engineering, planning and architectural works that span the entire period of America's growth into an industrial power.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a unit of the National Park System in Paterson, New Jersey, consisting of the Great Falls Historic District; and

(2) to foster activities among Federal, State, and local governments, non-profit organizations, and private donors to preserve, enhance, interpret, and promote the cultural sites, historic structures, and natural beauty of the Great Falls Historic District for the benefit of present and future generations.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) PARK.—The term “park” means the Paterson Great Falls National Historical Park established in section 4.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) COMMISSION.—The term “Commission” means the Paterson Great Falls National Historical Park Commission established in section 7.

SEC. 4. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Great Falls National Historic District, there is established in the city of Paterson in the county of Passaic in the State of New Jersey the Paterson Great Falls National Historical Park as a unit of the National Park System.

(b) BOUNDARIES.—The park shall consist of approximately 109 acres as generally depicted on the map titled “Paterson Great Falls National Historical Park—Proposed Boundary”, numbered T03/80,000, and dated June 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the city of Paterson.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1–4) and the Act of August 21, 1935 (16 U.S.C. 461–467).

(b) STATE AND LOCAL JURISDICTION.—Nothing in this section shall be construed to diminish, enlarge, or modify any right of the State of New Jersey or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out State laws, rules, and regulations within the park.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In furtherance of the purposes of this Act, the Secretary is authorized, after consultation with the Commission, to enter into cooperative agreements with the owners of properties of natural, historical, or cultural significance within the park, pursuant to which agreements the Secretary may mark, interpret, restore, and provide technical assistance for the preservation of such properties and pursuant to which the Secretary may provide assistance, including management services and program implementation.

(2) RIGHT OF ACCESS.—Each cooperative agreement shall provide that the Secretary, through the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purpose of conducting visitors through such properties and interpreting them to the public.

(3) ALTERATION OF PROPERTIES.—Each cooperative agreement shall provide that no changes or alterations shall be made in the property covered by the agreement except by mutual agreement between the Secretary and the other party to the agreement.

(d) USE OF FEDERAL FUNDS.—

(1) CONVERSION, USE, OR DISPOSAL OF PROJECTS.—Any payment made by the Secretary pursuant to a cooperative agreement under this section shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in the right of the United States to reimbursement of all funds made available to the project or the portion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(2) MATCHING FUNDS.—As a condition of expending any funds appropriated to the Secretary for the purposes of cooperative agreements under this section, the Secretary shall require that such expenditure must be matched by expenditure of an equal amount of funds provided by non-Federal sources.

(3) **DONATIONS.**—With the approval of the Secretary, any donation of property, goods, or services from a non-Federal source may be considered as a contribution of funds from a non-federal source for purposes of this section.

SEC. 6. GENERAL MANAGEMENT PLAN.

Not later than 3 complete fiscal years after the date funds are made available for this purpose, the Secretary shall prepare, in consultation with the Commission, and transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park in accordance with the provisions of section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)), popularly known as the National Park System General Authorities Act, and other applicable law.

SEC. 7. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK COMMISSION.

(a) **ESTABLISHMENT.**—There is hereby established the Paterson Great Falls National Historical Park Commission whose purpose shall be to assist and advise the Secretary in the development and implementation of the general management plan for the park.

(b) **MEMBERSHIP.**—

(1) **APPOINTMENTS.**—The Commission shall be composed of 9 members appointed by the Secretary, of whom—

(A) 4 members shall be from nominees submitted by the Governor of the State of New Jersey;

(B) 2 members shall be from nominees submitted by the City Council of Paterson;

(C) 1 member shall be from nominees submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(D) 2 members shall be qualified to serve on the Commission because of their familiarity with national parks and historic preservation.

(2) **CHAIRPERSON; VICE CHAIRPERSON.**—The Commission shall elect one of its members as Chairperson and one as Vice Chairperson. The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(3) **VACANCIES.**—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(4) **TERMS.**—Terms of service are as follows:

(A) The term of office of the Chairperson and Vice Chairperson shall be one year.

(B) Members of the Commission shall serve for terms of 3 years and may be reappointed not more than once.

(C) A member may serve after the expiration of his or her term until a successor has been appointed.

(5) **TIMELINE FOR APPOINTMENTS.**—The Secretary shall appoint the first members of the Commission not later than 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to paragraph (1).

(c) **COMPENSATION.**—Members of the Commission shall serve without pay, but while away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) **MEETINGS.**—The Commission shall meet at the call of the Chairperson or a majority of its members.

(e) **QUORUM.**—A majority of the Commission shall constitute a quorum.

(f) **STAFF.**—The Secretary shall provide the Commission with such staff and technical assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties. The Secretary may accept the services of personnel detailed from the State of New Jersey, any political subdivision of the State or any entity represented on the Commission.

(g) **EXEMPTION.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) **TERMINATION.**—The Commission shall terminate 10 years after the date of the enactment of this Act.

SEC. 8. ACQUISITION OF LAND.

(a) **GENERAL AUTHORITY.**—The Secretary may acquire land or interests in land within the boundaries of the park from willing sellers only by donation, purchase with donated or appropriated funds, or exchange.

(b) **STATE PROPERTY.**—Land or interests in land owned by the State of New Jersey or any political subdivision of the State may be acquired only by donation.

SEC. 9. HINCHLIFFE STADIUM.

Not later than three years after the date of the enactment of this Act, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium as listed on the National Register of Historic Places. The study shall include an assessment of the potential for listing as a National Historic Landmark as well as options for maintaining the historic integrity of the stadium.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Amend the title so as to read:

A bill to establish the Paterson Great Falls National Historical Park in the State of New Jersey and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 189, as ordered reported, is to establish the Paterson Great Falls National Historical Park in the State of New Jersey and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Soon after the Revolutionary War, Alexander Hamilton selected the area around the Great Falls of the Passaic River as the site for the first planned industrial center in America. Hamilton, then Secretary of the Treasury, invited Pierre L'Enfant to design the city in 1791. Hamilton's vision was to harness the power of the falls to develop manufacturing capabilities in the United States to free the country from reliance on imported goods. The result of Hamilton's plan was the city of Paterson, New Jersey which became one of the most important manufacturing centers in America during the industrial revolution. The story of Hamilton's vision that America could develop an industrial economy that would free the nation not only from its reliance on Great Britain but also from its use of slavery is one of national significance.

President Gerald Ford designated the Great Falls Historic District as a National Historic Landmark in 1976. Sec. 510 of Public Law 104-333 legislatively established the historic district and authorized a restoration, preservation and interpretive program for the area. The Great Falls Historic District is the only Congressionally established historic district which includes both a National Historic landmark and a National Natural Landmark.

The 107th Congress approved legislation (Public Law 107-59) authorizing the Secretary of the Interior to study the suitability and feasibility of designating the district as a unit of the National Park System. The National Park Service completed the study in 2006 and concluded that the area was not suitable for such a designation. However, this determination has been disputed by numerous historians and the Committee has received testimony and letters that make a strong case for a national designation.

H.R. 189 was introduced by Representative Bill Pascrell (D-NJ) and is cosponsored by the entire New Jersey delegation. Both New Jersey Senators and the State's Governor, as well as the National Trust for Historic Preservation, the National Parks Conservation Association, and academic experts from Harvard, Yale, New York University, and numerous other institutions support a national designation.

COMMITTEE ACTION

H.R. 189 was introduced on January 4, 2007 by Representative Bill Pascrell (D-NJ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. The Subcommittee held a hearing on the bill on March 29, 2007. On June 28, 2007, the Subcommittee was discharged from further consideration of the bill and the full Natural Resources Committee met to consider H.R. 189.

National Parks, Forests and Public Lands Subcommittee Chairman Grijalva (D-AZ) offered an amendment in the nature of a substitute making extensive changes to the bill.

The Grijalva substitute designates the area as the "Paterson Great Falls National Historical Park" and provides a map reference delineating the park boundary as only encompassing the existing historic district. The Grijalva substitute also changes several management provisions of the bill to conform the legislation to other National Historical Park designations.

A substitute to the Grijalva substitute, offered by Subcommittee Ranking Member Bishop (R-UT), would have designated Paterson as an affiliated area, rather than a unit, of the National Park System. The Bishop substitute to the Grijalva substitute was not agreed to by a roll call vote of 11 yeas and 25 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
110th Congress

Date: June 28, 2007

Convened:

Adjourned:

Meeting on: **Markup of HR 189** - An amendment offered by Mr. Bishop.017 Substitute amendment to Mr. Grijalva's Amendment in the Nature of a Substitute, was not agreed to by a roll call vote of 11 yeas and 25 nays.

Recorded Vote

Vote # 2

Total: Yeas: 11

Nays: 25

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✓		Mr. Jindal, LA			
Mr. Young, AK	✓			Mrs. Bordallo, VI		✓	
Mr. Miller, CA		✓		Mr. Gohmert, TX	✓		
Mr. Saxton, NJ		✓		Mr. Costa, CA		✓	
Mr. Markey, MA		✓		Mr. Cole, OK		✓	
Mr. Gallegly, CA				Mr. Boren, OK		✓	
Mr. Kildee, MI		✓		Mr. Bishop, UT	✓		
Mr. Duncan, TN				Mr. Sarbanes, MD		✓	
Mr. DeFazio, OR				Mr. Shuster, PA			
Mr. Gilchrest, MD		✓		Mr. Hinchey, NY		✓	
Mr. Faleomavaega, AS		✓		Mr. Heller, NV	✓		
Mr. Cannon, UT				Mr. Kennedy, RI		✓	
Mr. Abercrombie, HI				Mr. Sali, ID	✓		
Mr. Tancredo, CO				Mr. Kind, WI		✓	
Mr. Ortiz, TX				Mr. Lamborn, CO	✓		
Mr. Flake, AZ	✓			Mrs. Capps, CA		✓	
Mr. Pallone, NJ		✓		Ms. Fallin, OK			
Mr. Pearce, NM	✓			Mr. Inslee, WA		✓	
Mrs. Christensen, VI		✓		Mr. McCarthy, CA	✓		
Mr. Brown, SC	✓			Mr. Mark Udall, CO			
Mrs. Napolitano, CA		✓		Mr. Baca, CA		✓	
Mr. Fortuño, PR				Ms. Solis, CA		✓	
Mr. Holt, NJ		✓		Ms. Herseth, SD		✓	
Mrs. McMorris Rodgers, WA	✓			Mr. Shuler, NC			
Mr. Grijalva, AZ		✓					
				Total	11	25	

Markups - 1/3 to meet (16). 25 to report
July 11, 2007 (10:30am)

Representative Bishop also offered an amendment to the Grijalva substitute proposing to cap federal funding for the Historical Park but failed to indicate a specific limit. The Bishop amendment was not agreed to by voice vote. The Grijalva substitute was then adopted by voice vote. H.R. 189 was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 entitles the bill the, “Paterson Great Falls National Historical Park Act of 2007.”

Section 2. Findings and purposes

Section 2 contains the bill’s findings and purposes, which include fostering activities among various parties to “preserve, enhance, interpret, and promote the cultural sites, historic structures and natural beauty of the Great Falls Historic District for the benefit of present and future generations.”

Section 3. Definitions

Section 3 defines terms relevant to the legislation.

Section 4. Paterson Great Falls National Historical Park

Section 4(a) establishes the Paterson Great Falls National Historical Park as a unit of the National Park System. Section 4(b) specifies the boundaries of the unit by means of a map reference.

Section 5. Administration

Section 5(a) requires the Historical Park to be managed according to this Act and other laws generally applicable to units of the National Park System. Section 5(b) clarifies that nothing in this Act enlarges or diminishes existing authority of the State of New Jersey or its political subdivisions to exercise civil or criminal jurisdiction or carry out state laws, rules or regulations within the Park. Section 5(c) authorizes the Secretary of the Interior to enter into cooperative agreements with owners of property within the Historical Park and specifies the terms and requirements of those agreements.

Section 6. General management plan

Section 6 requires the Secretary to prepare, in consultation with the Commission authorized in Section 7, a general management plan for the Historical Park within three years after the date funds are made available for that purpose.

Section 7. Paterson Great Falls National Historical Park Commission

Section 7(a) establishes the Commission whose purpose shall be to “assist and advise the Secretary in development and implementation of the general management plan for the park.” Sections 7(b) through 7(h) outline the membership, responsibilities and requirements of the Commission.

Section 8. Acquisition of land

Section 8 authorizes the Secretary to acquire land or interests in land within the boundaries of the park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange. State lands are to be acquired by donation only.

Section 9. Hinchliffe Stadium

Section 9 requires the Secretary to study options for the preservation and interpretation of Hinchliffe Stadium, as listed on the National Register of Historic Places. The study must be completed within three years of the date of enactment of the legislation.

Section 10. Authorization of appropriations

This section authorizes such sums as may be necessary to carry out the purposes of this Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Paterson Great Falls National Historical Park in the State of New Jersey and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 189—Paterson Great Falls National Historical Park Act of 2007

Summary: H.R. 189 would establish the Paterson Great Falls National Historical Park on 109 acres of land in Paterson, New Jersey. Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 189 would cost the National Park Service (NPS) \$22 million over the 2008–2012 period and \$1 million a year thereafter. We estimate that enacting the legislation would not affect direct spending or revenues.

H.R. 189 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated costs to the Federal Government: The estimated budgetary impact of H.R. 189 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	1	1	4	8	8
Estimated Outlays	1	1	4	8	8

Basis of estimate: H.R. 189 would establish the Paterson Great Falls National Historical Park at the site of the Great Falls Historic District, a National Historic Landmark in Paterson, New Jersey. Although the bill would authorize the NPS to acquire the 109-acre park site, CBO expects that most of this acreage would continue to be owned by the state, local nonprofit organizations, and private landowners. Under the bill, the park would be managed by the NPS under cooperative agreements with those entities and in consultation with a Paterson Great Falls National Historical Park Commission, also to be established by the bill. In addition to operating the historical park, the NPS would restore and preserve historic structures, provide technical assistance to landowners, and create interpretive programs and materials such as signs and way-side exhibits.

Based on information provided by NPS and assuming appropriation of the necessary amounts, CBO estimates that the agency would spend \$22 million over the 2008–2012 period to implement this legislation. Of this amount, we estimate that \$1 million a year would be spent to manage and operate the new historical park. In the first three years after enactment, the annual cost would include expenses to prepare a general management plan for the park and to complete a required study on preserving and interpreting the Hinchcliffe Stadium. We estimate that the agency would spend an additional \$5 million to construct administrative and visitor facilities and to install park exhibits over the 2010–2012 period. We estimate that \$12 million would be provided to local landowners over that same period for the preservation of historic properties within the park.

Intergovernmental and private-sector impact: H.R. 189 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis and David Reynolds; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 189 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

